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Attorneys for Defendants
Landmark Towne Center, LLC; Aglos, LLC; Dinky, LLC; and GF Liberty, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NICOLE MOSS, an individual; and
DISABILITY RIGHTS,
ENFORCEMENT, EDUCATION,
SERVICES: HELPING YOU HELP
OTHERS, a California public benefit
corporation

Plaintiffs,

vs.

MANILA BAY CUISINE;
LANDMARK TOWNE CENTER,
LLC, a Delaware limited liability
company; AGLOS, LLC, a Delaware
limited liability company; DINKY,
LLC, a Delaware limited liability
company; GF LIBERTY, LLC, a
Delaware limited liability company;
CRIMSUN, INC., a California
corporation,

Defendants.

CASE NO. C06-6356

**DEFENDANTS' APPLICATION
FOR ATTORNEYS FEES AND
COSTS FOR OPPOSING
PLAINTIFF MOSS'S MOTION TO
ALTER OR AMEND JUDGMENT;
AND SUPPORTING
DECLARATION OF BENJAMIN R.
EHRHART**

1 Pursuant to the Court's February 12, 2008, Order vacating the Court's previous
2 September 13, 2007 Order dismissing the above-entitled defendants Landmark Towne
3 Center, LLC; Aglos, LLC; Dinky, LLC; and GF Liberty, LLC's ("Defendants") hereby
4 submit this application and the attached declaration in support of this request for
5 \$2,792.16 in attorney's fees and costs incurred in opposing the Plaintiff Moss's Motion
6 to Alter or Amend Judgment.

7
8 Dated: February 19, 2008

Respectfully submitted,

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11 Benjamin R. Ehrhart
12 Steyer Lowenthal Boodrookas Alvarez & Smith LLP
13 One California Street, Ste. 300
San Francisco, California 94111
Telephone: (415) 421-3400
Facsimile: (415) 421-2234

14 Attorney for Defendant
15 Landmark Towne Center, LLC; Aglos, LLC; Dinky,
16 LLC; and GF Liberty, LLC
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DECLARATION OF BENJAMIN R. EHRHART

I, Benjamin R. Ehrhart, declare:

1. I am an attorney licensed to practice in the State of California and am an associate at the law firm of Steyer Lowenthal Boodrookas Alvarez & Smith LLP, attorneys of record for Defendants Landmark Towne Center, LLC; Aglos, LLC; Dinky, LLC; and GF Liberty, LLC ("Defendants"). I know all of the facts and if called and sworn as a witness, I could and would competently testify to the same.

2. Attached hereto as Exhibit 1 is a true and correct copy of the firm's billing records to Plaintiff for legal services rendered in the above-entitled matter for opposing Plaintiff Moss's Motion to Alter or Amend Judgment. Defendants do not intend by submitting these invoices to waive any attorney-client privilege or work product protections.

3. Steyer Lowenthal is a well established and highly regarded firm specializing in, among other areas, commercial and real estate litigation. I am an associate with the firm and I am the attorney primarily responsible for much of the work in this case. Jeffrey H. Lowenthal is a founding partner of the firm and has over 20 years of complex commercial and real estate litigation experience in the San Francisco Bay Area. Jessica Grannis and I have over 2 years of experience in, among other things, general commercial and real estate litigation. Mr. Lowenthal was the billing partner on this case and supervised all of the work reflected in invoices attached as Exhibit 1.

4. Partner Jeffrey H. Lowenthal's (JHL) hourly rate for this matter is \$395; Associate Jessica Grannis's (JCG) hourly rate for this matter is \$210; and Associate Benjamin Ehrhart's (BRE) hourly rate for this matter is \$210. These rates are reasonable, and the fees set forth in Exhibit 1 were reasonably incurred in opposing said motion. In my experience are quite reasonable and well within the range of fees charged by comparably experienced litigators in San Francisco.


5. Attorneys fees in opposing said motion are in the amount of \$3,767.50 (17 hours at \$210 per hour and .50 hours at \$395). Defendants also incurred \$74.66 in costs

1 (\$59.36 delivery costs, \$3.60 copying costs and \$11.70 in research costs). The total cost in
2 opposing said motion is \$3,842.16.

3 6. Jessica Grannis, the associated originally handling the above referenced matter
4 left Steyer Lowenthal Boodrookas Alvarez & Smith, LLP in December 2007. In January 2008 I
5 was hired as an associate and began handling matters formerly assigned to Ms. Grannis. As a
6 result of this transition, I spent more time in reviewing the file and preparing for the Motion to
7 Amend or Alter Judgment than Ms. Grannis would have in the normal course of practice. In
8 recognition of the additional time I spent on this matter, the firm has reduced time billed to
9 prepare for the hearing by \$1050.00 (representing 5 hours of my time billed at \$210 per hour).

10 7. Defendants will incur a bill in fees and costs in the amount of \$2,792.16.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct and that this declaration was executed on this 19th day of February
13 2008, at San Francisco, California.

14 
15 Benjamin R. Ehrhart

2/15/2008
5:05 PM**Steyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys****ATTORNEY HOURS - SHELTER.SANBRUNO-MOSS**

Page 1

Totals for	Billable Time Spent	Billable Slip Value	Unbillable Time Spent	Unbillable Slip Value
BRE	8.75	\$1,837.50	0.00	\$0.00
JCG	8.25	\$1,732.50	0.00	\$0.00
JHL	0.50	\$197.50	0.00	\$0.00
Grand Total	17.50	\$3,767.50	0.00	\$0.00

2/15/2008
5:04 PMSteyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys
Slip Listing

Page 1

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	Attorney Services Client	Units DNB Time	Rate Rate Info Bill Status	Slip Value
<u>Client: SHELTER.SANBRUNO-MOSS</u>							
180345	TIME			JCG	2.50	210.00	525.00
	11/12/2007			PRE	0.00	T@6	
Billed	G:33656	12/10/2007	SHELTER.SANBRUNO		0.00		
PREPARE OPPOSITION MOTION TO VACATE.							
180356	TIME			JCG	4.00	210.00	840.00
	11/13/2007			PRE	0.00	T@6	
Billed	G:33656	12/10/2007	SHELTER.SANBRUNO		0.00		
PREPARE OPPOSITION TO PLAINTIFF'S MOTION TO VACATE DISMISSAL.							
179953	TIME			JHL	0.50	395.00	197.50
	11/14/2007			PRE	0.00	T@6	
Billed	G:33656	12/10/2007	SHELTER.SANBRUNO		0.00		
PREPARE - OPPOSITION TO MOTION FOR RELIEF.							
180460	TIME			JCG	1.50	210.00	315.00
	11/21/2007			REVISE	0.00	T@6	
Billed	G:33656	12/10/2007	SHELTER.SANBRUNO		0.00		
REVISE AND E-FILE OPPOSITION OF MOTION TO DISMISS.							
180466	TIME			JCG	0.25	210.00	52.50
	11/28/2007			REVIEW	0.00	T@6	
Billed	G:33656	12/10/2007	SHELTER.SANBRUNO		0.00		
REVIEW CLERK'S NOTICE; RE-CALENDAR CONTINUED HEARING.							
184651	TIME			BRE	1.00	210.00	210.00
	1/25/2008			OTHER	0.00	T@6	
WIP				SHELTER.SANBRUNO	0.00		
RECEIVE AND REVIEW REPLY TO OUR OPPOSITION TO AMEND JUDGMENT; REVIEW FILE IN PREPARATION FOR FEBRUARY 12, 2008 HEARING.							
185856	TIME			BRE	3.00	210.00	630.00
	2/11/2008			REVIEW	0.00	T@6	
WIP				SHELTER.SANBRUNO	0.00		
REVIEW FILE, COMPLAINT, CORRESPONDENCE; REVIEW MOTION TO ALTER JUDGMENT PAPERS; RESEARCH LAW ON NON-FRIVOLOUS REASON AND PREJUDICE.							
185857	TIME			BRE	4.75	210.00	997.50
	2/12/2008			OTHER	0.00	T@6	
WIP				SHELTER.SANBRUNO	0.00		

2/15/2008
5:04 PMSteyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys
Slip Listing

Page 2

Slip ID	Attorney	Units	Rate	Slip Value
Dates and Time	Services	DNB Time	Rate Info	
Posting Status	Client		Bill Status	
Description		Variance		
TRAVEL TO AND FROM MANILA BAY ATTORNEY; ATTEND MOTION TO VACATE; PREPARE FOR MOTION TO VACATE; TELEPHONE - CO-COUNSEL.				
Total: SHELTER.SANBRUNO-MOSS				
	Billable	17.50		3767.50
	Unbillable	0.00		0.00
	Total	17.50		3767.50
Grand Total				
	Billable	17.50		3767.50
	Unbillable	0.00		0.00
	Total	17.50		3767.50

(1-3)

2/14/2008
4:30 PMSteyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys
Slip Listing

Page 1

Selection Criteria

Slip.Transaction Dat 11/1/2007 - 2/14/2008
 Slip.Classification Open
 Clie.Selection Include: SHELTER.SANBRUNO-MOSS
 Slip.Transaction Typ 2 - 2

Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description	Attorney Services Client	Units DNB Time Variance	Rate Rate Info Bill Status	Slip Value
181580 11/26/2007 Billed G:33903 ONE HOUR DELIVERY SERVICE, INC.: FILING IN UNITED STATES DISTRICT COURT.	EXP OTHER COSTS \$MESSENGER SHELTER.SANBRUNO-	1	59.36	59.36
181884 11/30/2007 Billed G:33903 NOVEMBER 2007 COPYING COSTS.	EXP OTHER COSTS \$COPYING SHELTER.SANBRUNO-	18	0.20	3.60
182276 11/30/2007 Billed G:33903 WESTLAW: ON-LINE RESEARCH CHARGES FOR NOVEMBER 2007.	EXP OTHER COSTS \$WESTLAW SHELTER.SANBRUNO-	1	9.70	9.70
184074 1/7/2008 WIP PACER SERVICE CENTER: COURT DOCUMENT RESEARCH OCTOBER THROUGH DECEMBER 2007.	EXP OTHER COSTS \$WESTLAW SHELTER.SANBRUNO-	1	2.00	2.00
Grand Total	Billable Unbillable Total	0.00 0.00 0.00		74.66 0.00 74.66

14